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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,967

01/28/2004

Jack Cash JR.

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07/14/2008

FURR LAW FIRM
2622 DEBOLT ROAD
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EXAMINER

SINGH, SUNIL K

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,967	Applicant(s) CASH, JACK	
	Examiner Sunil K. Singh	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendments filed on 03/06/2008.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 29 and 49, the phrase "where said has a condenser microphone" is indefinite since it is not clear to what the applicant is exactly referring to that has the condenser microphone. Furthermore, the applicant has not clearly defined what a pickup means is.

Claim Objections

Claims 39,48, 49 and 52 are objected to because of the following informalities:

- Claims 39 and 49 recite "a fitting means connection means". This phrase is confusing. Furthermore, claim 49 states "afitting means". The examiner believes that the phrase should state "a fitting means".
- Claim 48 states "A device as in claim 39 in which claim 45 which said...". It is unclear to what claim this is depending from.
- Claim 52 is dependent on claim 31; however, claim 31 has been cancelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39,40,43, 49,50, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willers et al (DE10164044) in view of Scalise et al (US 5,812,678) and further in view of Bailey (US 5,501,596).

Willers discloses a dental device comprising a scaler attached to a pick-up through a connection; wherein the scaler is capable of being interchanged. The pick up is connected to an amplifier with is connected to an audio production device (loudspeaker or headphones). (see paragraph 0019 and the claims). Willers only discloses that the pick-up is a transducer. However, Willers fails to disclose a condenser microphone and a female friction fitting means.

Scalise teaches a sound detection device wherein in the pick-up is a transducer 182 in the form of a condenser microphone with a receptacle 144 for connection of a jack. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pick-up transducer of Willers in the form of a condenser microphone with a receptacle, as taught by Scalise, since a condenser microphone is a common form of an electro-audio transducer and to facilitate

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connection of the pick-up to the scaler. However, Willers/Scalise fails to disclose a female friction fitting means attached to a scaler and amplifier.

Bailey teaches a scaler (13) attached to an electric control unit (3) via a female friction fit means (Fig. 1) (see abstract and claim 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Willers/Scalise to include the female friction fit means, as taught by Bailey, since such a system is a well known means of for connecting two components.

Claims 45,46 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willers et al (DE10164044) in view of Scalise et al (US 5,812,678) in further view of Bailey (US 5,501,596) as applied to claims 39 and 49 above, and further in view of Berube-Lauziere et al (US 2003/0143510).

Willers/Scalise/Bailey discloses the invention substantially as claimed except for a power source connected to the device.

Berube-Lauziere teaches a dental device comprising a dental instrument A attached to a pick-up means 12 through a connecting means 18, 20, where the pick-up means is connected to an amplifier 58, which is connected to an audio production means 56. Berube-Lauziere also teaches that the device may be connected to a outside power supply 48 or is powered by a battery (paragraph 0028, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made connect the device of Willers/Scalise/Bailey to a power supply such as a battery,

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as taught by Berube-Lauziere, because the device needs to be connected to some kind of power supply to work.

Claims 41,42, 47,51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willers et al (DE10164044) in view of Scalise et al (US5,812,678), in further view of Bailey (US 5,501,596) as applied to claims 39 and 49, above, and further in view of Moore (US2004/0077974).

Willers/Scalise/Bailey discloses the invention substantially as claimed except for a system wherein the amplifier has a volume control or the connections between various elements are wireless.

Moore shows a laparoscopic detection device that emits an audible signal wherein the amplifier/speaker 32 includes a volume control means 34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the amplifier and/or audio production means of Willers/Scalise/Bailey with a volume control means, as taught by Moore, so that the volume can be adjusted.

Moore also teaches that the device is wireless (paragraph 0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device of Willers/Scalise/Bailey wireless, as taught by Moore, in order to provide hands-free convenience and an enhanced diagnostic tool.

Claims 44 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willers et al (DE10164044) in view of Scalise et al (5,812,678) in further view of

Bailey (US 5,501,596) as applied to claims 39 and 49 above, and further in view of Siemons (2005/0058962).

Willers/Scalise/Bailey discloses the invention substantially as claimed except wherein the device has a clip.

Siemons shows a dental device which is small and portable. The device may include a clip (paragraph 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Willers/Scalise/Bailey with a clip, as taught by Siemons, so that the casing may be held in a location that is convenient for the dentist.

Claims 48 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willers et al (DE10164044) in view of Scalise et al (5,812,678) in further view of Bailey (US 5,501,596) as applied to claims 39 and 49 above, and further in view of Mills et al. (US 5,700,147).

Willers/Scalise/Bailey discloses the invention substantially as claimed except for the dental scaler having a female fitting end rather than a male fitting end.

Mills teaches a device wherein the dental scaler (22) includes a male fitting end (Column 4, Lines 58-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Willers/Scalise/Bailey to include a dental scaler having a male fitting end rather than a female fitting end, as taught by Mills, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-3460. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/08/2008

/Sunil K Singh/
Examiner
Art Unit 3732

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732